



RECEIVED  
OCT 25 2002  
TECH CENTER 1600/2900

PATENT APPLICATION #1646

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re the Application of:

ROSENTHAL, et al.

Serial No.: 09/893,339

Filed: June 26, 2001

Confirmation No.: 1140

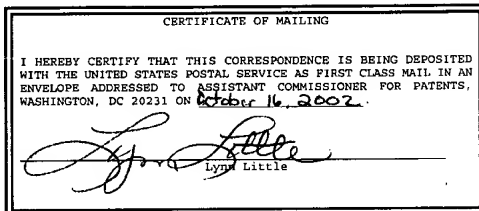
Atty. File No.: 42830-00236

For: "COMPOSITION FOR DELIVERY OF  
HEMATOPOIETIC GROWTH FACTOR"

) Group Art Unit: 1646

) Examiner: Eyler, Yvonne L.

) REPLY TO OFFICE ACTION STATING  
) RESTRICTION/ELECTION  
) REQUIREMENT (37 C.F.R. §1.111)



Assistant Commissioner For Patents  
Washington, D.C. 20231

Dear Sir:

This communication is responsive to an Office Action having a date mailed of September 19, 2002, and identified as Paper No. 6. The only issue raised in the Office Action is a restriction/election requirement in relation to multiple species identified by the Examiner with respect to (i) hematopoietic growth factors and (ii) second biopolymers (identified in the claims as the second biocompatible polymer). The Examiner has required election of a single disclosed specie for each of the hematopoietic growth factor and the second biocompatible polymer for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable.

For the hematopoietic growth factor, the specie of G-CSF is hereby elected. For the second biocompatible polymer, the specie of hydroxypropyl methylcellulose is hereby elected.

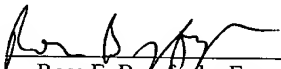
Claims readable on G-CSF as the hematopoietic growth factor specie include Claims 1-34 and 47-52. Claims readable on hydroxypropyl methylcellulose as the second biocompatible polymer specie include Claims 1-19, 24 and 33-52.

No fees are believed to be due with this communication. If any fees are due, however, please debit such fees to Deposit Account No. 50-1419.

It is believed that all of the issues raised in the September 19, 2002 Office Action have been addressed herein. Should the Examiner have any questions concerning this communication, the Examiner is requested to contact the undersigned at 720-747-8868.

Respectfully submitted,

MARSH FISCHMANN & BREYFOGLE LLP

By:   
\_\_\_\_\_  
Ross E. Breyfogle, Esq.  
Registration No. 36,759  
3151 South Vaughn Way, Suite 411  
Aurora, Colorado 80014  
(303) 338-0997

Date: October 16, 2002